

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRANDON FARNSWORTH, et al.,

Plaintiffs,

v.

CAREY JOHNSON,

Defendant.

Case No. 17-10966

District Judge Robert H. Cleland

Magistrate Judge R. Steven Whalen

**ORDER DENYING PLAINTIFF FARNSWORTH'S MOTION FOR
DEPOSITION TRANSCRIPTS**

Plaintiff Brandon Farnsworth ("Plaintiff") is an inmate currently housed at the Macomb Correctional Facility, a Michigan Department of Corrections ("MDOC") institution. On February 27, 2020, he filed the present motion, requesting transcripts of the deposition set for December 10, 2019 of his co-Plaintiff Tyrone Williams ("Williams"). [ECF No. 53].

However, Defendant Carey Johnson ("Johnson") states in his January 31, 2020 motion to dismiss that two attempts to depose Williams have been unsuccessful. [ECF No. 47, PageID.224]. Johnson states that Williams, now paroled, called to cancel the deposition scheduled for December 10, 2019 on December 9. *Id.* Although Williams received notice by certified mail of a deposition scheduled for January 17, 2020, he failed to show. *Id.* Johnson states that Williams left a voice mail over one week later, stating that he had acquired a new job. *Id.* Williams reportedly directed Johnson's attorney to call him but did

not leave a telephone number. *Id.* None of the subsequent pleadings indicate that the proposed deposition ever occurred. So there is no transcript, and the Court cannot order the production of something that does not exist.

Accordingly, Plaintiff Farnsworth's motion [ECF No. 53] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
United States Magistrate Judge

Dated: April 1, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 1, 2020 electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager